

Message Text

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ORIGIN DHA-02

INFO OCT-01 AID-05 AF-06 ARA-10 EA-09 EUR-12 NEA-10 IO-11

ISO-00 SS-15 SP-02 H-02 L-03 CIAE-00 DODE-00 PM-04

INR-07 NSAE-00 NSC-05 PA-02 PRS-01 USIA-15 /122 R

DRAFTED BY D/HA:HR:RDPALMER:CAF

APPROVED BY D/HA:JMWILSON

AID/PRC - MR. BIRNBAUM (DRAFT)

EA - MR. HARRIS (DRAFT)

NEA - MR. HOLLY (DRAFT)

EUR - MR. GOOTT (DRAFT)

ARA - MR. LISTER (DRAFT)

AF - MR. WHITING (DRAFT)

T - MR. LEWIS (DRAFT)

S/P - MR. AUSTIN (DRAFT)

H-MR. ENGEL (DRAFT)

AID/GC-MR. ESPINOSA (DRAFT)

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R 072157Z JAN 76

FM SECSTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS

UNCLAS STATE 003725

INFORM ALL CONSULS

E.O. 11652: GDS

TAGS: SHUM

SUBJECT: HUMAN RIGHTS RESTRICTION ON PROVISION OF
DEVELOPMENT ASSISTANCE

FOR AMBASSADORS AND AID MISSION DIRECTORS

REFERENCES: (A) 75 AIDTO CIRCULAR A-687, 12/9/75 (NOTAL);

(B) AIDTO CIRCULAR A-717, 12/24/75, (NOTAL)

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1. PRESIDENT SIGNED AID AUTHORIZING LEGISLATION ON DECEMBER 20, 1975. IT ADDS NEW SECTION 116 ON HUMAN RIGHTS AND DEVELOPMENT ASSISTANCE: "HUMAN RIGHTS" SEC. 310. PART 1 OF THE FOREIGN ASSISTANCE ACT OF 1961 AS AMENDED BY

INSERTING IMMEDIATELY AFTER SECTION 115 THE FOLLOWING NEW SECTION: "SEC. 116. HUMAN RIGHTS.--(A) NO ASSISTANCE MAY BE PROVIDED UNDER THIS PART TO THE GOVERNMENT OF ANY COUNTRY WHICH ENGAGES IN A CONSISTENT PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS, INCLUDING TORTURE OR CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT, PROLONGED DETENTION WITHOUT CHARGES, OR OTHER FLAGRANT DENIAL OF THE RIGHT TO LIFE, LIBERTY, AND THE SECURITY OF PERSON, UNLESS SUCH ASSISTANCE WILL DIRECTLY BENEFIT THE NEEDY PEOPLE IN SUCH COUNTRY.

"(B) IN DETERMINING WHETHER THIS STANDARD IS BEING MET WITH REGARD TO FUNDS ALLOCATED UNDER THIS PART, THE COMMITTEE ON FOREIGN RELATIONS OF THE SENATE OR THE COMMITTEE ON INTERNATIONAL RELATIONS OF THE HOUSE OF REPRESENTATIVES MAY REQUIRE THE ADMINISTRATOR PRIMARILY RESPONSIBLE FOR ADMINISTERING PART 1 OF THIS ACT TO SUBMIT IN WRITING INFORMATION DEMONSTRATING THAT SUCH ASSISTANCE WILL DIRECTLY BENEFIT THE NEEDY PEOPLE IN SUCH COUNTRY, TOGETHER WITH A DETAILED EXPLANATION OF THE ASSISTANCE TO BE PROVIDED (INCLUDING THE DOLLAR AMOUNTS OF SUCH ASSISTANCE) AND AN EXPLANATION OF HOW SUCH ASSISTANCE WILL DIRECTLY BENEFIT THE NEEDY PEOPLE IN SUCH COUNTRY. IF EITHER COMMITTEE OR EITHER HOUSE OF CONGRESS DISAGREES WITH THE ADMINISTRATOR'S JUSTIFICATION IT MAY INITIATE ACTION TO TERMINATE ASSISTANCE TO ANY COUNTRY BY A CONCURRENT RESOLUTION UNDER SECTION 617 OF THIS ACT.

"(C) IN DETERMINING WHETHER OR NOT A GOVERNMENT FALLS WITHIN THE PROVISIONS OF SUBSECTION (A), CONSIDERATION SHALL BE GIVEN TO THE EXTENT OF COOPERATION OF SUCH GOVERNMENT IN PERMITTING AN UNIMPEDED INVESTIGATION OF ALLEGED VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS BY APPROPRIATE INTERNATIONAL ORGANIZATIONS, INCLUDING THE INTERNATIONAL COMMITTEE OF THE RED CROSS, OR GROUPS OR UNCLASSIFIED

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PERSONS ACTING UNDER THE AUTHORITY OF THE UNITED NATIONS OR OF THE ORGANIZATION OF AMERICAN STATES.

"(D) THE PRESIDENT SHALL TRANSMIT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE COMMITTEE ON FOREIGN RELATIONS OF THE SENATE, IN THE ANNUAL PRESENTATION MATERIALS ON PROPOSED ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS, A FULL AND COMPLETE REPORT REGARDING THE STEPS

HE HAS TAKEN TO CARRY OUT THE PROVISIONS OF THIS SECTION."

2. REFERENCES WERE SENT ONLY TO POSTS HAVING AID MISSIONS. REF A IS EFFORT TO OBTAIN INFORMATION WHICH WILL FACILITATE DEVELOPMENT OF A STATE/AID POLICY ON HUMAN RIGHTS AND DEVELOPMENT ASSISTANCE. REF B IS SECTION-BY-SECTION ANALYSIS OF THE NEW AID LEGISLATION.

3. ALL POSTS WILL FIND EXTENT OF CONGRESSIONAL CONCERN IN HUMAN RIGHTS MATTERS OF INTEREST. (FYI: BOTH HOUSES HAVE UNDER CONSIDERATION AMENDMENTS TO FY 1976 SECURITY ASSISTANCE LEGISLATION WHICH ARE MORE STRINGENT AND FAR-REACHING THAN SECTION 502B OF 1974 FAA. END FYI).

4. FURTHER GUIDANCE WILL BE PROVIDED TO CONCERNED POSTS AFTER IMPLEMENTATION QUESTIONS RAISED BY AID HUMAN RIGHTS LEGISLATION ARE STUDIED IN GREATER DEPTH. KISSINGER

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